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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,266	01/22/2004	Wesley L. Crow	US 1358/03	2581

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EXAMINER

SCRUGGS, ROBERT J

ART UNIT PAPER NUMBER

3723

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/761,266	Applicant(s) CROW, WESLEY L.	
	Examiner Robert Scruggs	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, and 16-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's amendment received on November 10, 2005. The following claims to be examined are 1-5, 7-14, 16-22.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-14, and 16-22, are Finally rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (2004/0074344), in view of Schoeps (3832916) and Lee (6408721). Carroll discloses a variable length socket comprising, a first member (70), which can be formed (Page 3, Paragraph 27) as having a first internal involute spline section (76), made up of a plurality of splines (Page 3, Paragraph 27) that are adapted to extend partly along the length of said first member at various lengths which may include one-half to six inches in length (Page 2, Paragraph 22) or may be adapted to extend up to about a midpoint along the length of said first member which can be easily seen in Figure 2C, a second section (40), having an axially contiguous drive section where said second section can be configured to receive a workpiece manipulated by socket (42), having an internal recess (100) being of hexagonal form which can be configured to extend to different lengths based upon the type of socket desired for different types of workpieces with different lengths, which allows for said recess to extend to a midpoint along the length of said first member if so desired (Figure 2C,

Page 2, Paragraph 23), a second member (20), which can be formed (Page 3, Paragraph 27) as having a third external spline section (80) telescopically cooperating with said first member, which are adapted to extend to different lengths depending on the type of workpiece being used which allows for said third external spline section to extend beyond a midpoint along the length of said second member if so desired, a fourth section (28) having an internal recess (22) for receiving a drive member of a wrench and having an axially contiguous drive section, but lacks, adjustably moving the length of the socket by cooperatively using first and second members relative to each other. However, Schoeps discloses a two piece variable length socket comprising, first (17) and second (21) members having corresponding axially splines (19,20) (Column 1, Lines 51-53) for frictionally locking said first and second members, such that rotational movement is prevented during operation, yet allowing for axial movement between said first and second members, wherein the length of the socket can be adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection, of Carroll with a longer connection having multiple holes for adjusting the length of the socket, in view of Schoeps, in order to provide a variable length socket having a deeper socket connection with multiple holes to adjust the length during use.

4. Regarding claims 11 and 20, Carroll discloses the variable length socket previously mentioned, but lacks, a variable length wrench being connected to said variable length socket. However, Lee discloses an variable length wrench comprising an elongated shank (22) mounted to a body (20), with an elongated retractable handle (24)

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telescopically and slidably mounted on the shank, and an adjusting device (30) for adjustably securing the retractable handle on the shank. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the variable length socket of Carroll, with the adjustable length wrench comprising an elongated shank mounted to a body with an elongated retractable handle telescopically and slidably mounted on the shank, and an adjusting device for adjustably securing the retractable handle on the shank, in view of Lee, in order to provide a torque of various strengths for operating workpieces which need torque of different strengths.

5. Regarding claims 21 and 22, the applicant has defined frictionally locking of the first and second members in the specification, as being configured to have a "tight" clearance, which prevents rotational movement between the first and second members, but allows axial frictional movement therebetween to vary the overall length. The prior art reference mentioned above perform the same function where the splines are used to prevent rotational movement during use, but allowing for axial movement during use. If in the alternative the applicant requires an even "tighter" clearance. It would have been obvious to modify the "tightness" of the splines in order to further reduce axial movement when the pin is not properly engaged preventing the device from falling apart.

#### ***Response to Arguments***

6. Applicant's remarks filed November 10, 2005 have been fully considered but are deemed not in view of the new grounds of rejection necessitated by applicant's amendment.

7. The applicant's argument states, "Carroll discloses a socket system that uses fixed length pieces thereby requiring the use of multiple pieces to expand its length." Carroll does teach using a number of variations for extending the length of the socket system and when taken in view of Schoeps, it should be even more evident that a two-piece system having variable length is provided. The amount of adjustable length is deemed moot because the applicant has noted in the specification that the "length, number, shape and/or configuration of the cooperating male and female splines" can be modified and falls within the scope of the invention. Carroll taken in view of Schoeps disclose adjusting the length of the first and second members relative to one another, and it is the examiner's opinion that the prior art meets the limitations as disclosed by the applicant.

8. The applicant's argument states, "The claimed variable length socket does not require a separate or any complicated locking mechanism and frictionally locks the first and second members by the cooperating splines." In the specification the applicant defines "frictionally locking" of the system having first and second members configured to have a "tight" clearance preventing significant rotational movement and allowing for axial frictional movement. The prior art mentioned above uses splines to prevent rotational movement and allowing axial movement during use, which meet the limitations of the claims. If in the alternative the configuration of the splines are configured such that the "tightness" of the splines prevent axial movement, such that both first and second members separate during the effect of gravity. It is the examiner's opinion that during the interview conducted on September 27, 2005 the device

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demonstrated did not show the feature, where the first and second members had restricted axial movement, such that the "tightness" of the splines prevented both first and second members from being separated during the effect of gravity.

9. The applicant's argument states, "Carroll fails to teach or suggest a two-piece variable length socket wherein the internal diameter of the first member is generally constant throughout the length thereof and where an internal abutment separated first and second sections of the first member" and "Carroll is silent on the length of splines extending upto a midpoint." As mentioned in the rejection above, Carroll taken in view of Lee, suggest using a two-piece variable length socket wherein the internal diameter of the first member is generally constant throughout the length thereof and where an internal abutment separated first and second sections of the first member. In addition, Figure 2C clearly shows that the splines can extend upto the midpoint of the piece, and since Carroll does disclose changing the size of the pieces, it would be obvious to have the splines extending to any length desired for varying work pieces used having different lengths.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lyon (3306639), Blunt (2964981), and Lyon (2896765) disclose extensible first and second members that can adjust the length relative to on another.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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